

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 14**

LABORERS' INTERNATIONAL UNION OF
NORTH AMERICA LOCAL 110

and

Case 14-CD-153807

U.S. SILICA COMPANY

and

INTERNATIONAL UNION OF OPERATING
ENGINEERS, AFL-CIO, LOCAL 513

MOTION TO QUASH

COMES NOW the International Union of Operating Engineers, AFL-CIO, Local 513 and respectfully move to quash the Section 10(k) hearing set June 30, 2015 at the National Labor Relations Board's St. Louis office.

The Notice of Hearing states there is a dispute alleged in Case 14-CD-153807 involving the assignment of the following work:

The operation of the Track Mobile at the U.S. Silica Company facility in Pacific, Missouri.

There is, in fact, no dispute as contemplated in either Section 8(b)(4)(D) and/or Section 10(k).

In order for a jurisdictional dispute to exist there must be a clear choice between two groups of employees for the work in question. Communication Workers of America, 118 NLRB 1104 (1957). There is no dispute pursuant to Section 8(b)(4)(D) and/or Section 10(k) if there is not an effort for one set of employees to displace another set of employees. A.W. Farrell & Son, Inc., 360 NLRB 34 (2014). As stated in the Charging Party's own charge there are no competing groups of employees claiming work should be reassigned to specific employees in favor of others. For the reasons above the Section 10(k) hearing set June 30, 2015 at the National Labor Relations Board's St. Louis office must be quashed.

Respectfully submitted,

HARTNETT GLADNEY HETTERMAN, LLC

/s/ James P. Faul
JEFFRY E. HARTNETT
JAMES P. FAUL
4399 Laclede Ave.,
St. Louis, Missouri 63108
Telephone: 314-531-1054
Facsimile: 314-531-1131
jahartnett@hghll.net
jfaul@hghllc.net

Attorneys for IUOE 513

Certificate of Services

The undersigned certifies this document was e-filed for service on the NLRB and attorneys for all involved parties this 26th day of June 2015.

/s/ James P. Faul